
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

EICB-TV, LLC.

Licensee of KUOT-CA in Oklahoma City, OK
Facility ID #31368

Cedar Hill, Texas

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File No. EB-02-DL-530

NOV No. V20043250001

NOTICE OF VIOLATION

Released: April 8, 2004

By the District Director, Dallas Office, Enforcement Bureau:

1. On is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to EICB-TV, LLC, licensee of station KUOT-CA in Oklahoma City, OK.

2. On August 18, 2003, an agent of the Commission's Dallas Office inspected television station KUOT-CA, licensed to Oklahoma City, Oklahoma, and observed the following violations:

a) 47 C.F.R. § 11.35(a): "Equipment operational readiness...Broadcast stations...are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, broadcast stations...must determine the cause of any failure to receive the required tests or activations specified in §§ 11.61(a)(1) and (2). Appropriate entries must be made in the broadcast station log as specified in § 73.1820 and § 73.1840 of this chapter ... indicating reasons why any tests were not received." There were no entries made in the station logs indicating why records of reception of EAS tests were absent in the logs for the second monitored source.

b) 47 C.F.R. § 11.52(d): "Broadcast stations and cable systems and wireless cable systems must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities." At the time of the inspection the audio level from the second receiver was too low to be monitored.

¹ 47 C.F.R. § 1.89

c) 47 C.F.R. § 73.1125(c): “Each Class A television station shall maintain a main studio at a location within the station's predicted Grade B contour, as defined in § 73.683 and calculated using the method specified in § 73.684. With respect to a group of commonly controlled stations, Class A stations whose predicted Grade B contours are physically contiguous to each other may locate their main studio within any of these contours. If a Class A station is one of a group of commonly controlled Class A stations, but its predicted Grade B contour is not physically contiguous to that of another Class A station in the commonly owned group, its main studio shall be located within its own predicted Grade B contour. Alternatively, a Class A television station shall maintain a main studio at the site used by the station as of November 29, 1999.” At the time of the inspection the contour map at the station was not based on the station’s licensed ERP and an estimation of the Grade B contour in the direction of the studio indicates the studio is outside of the contour.

d) 47 C.F.R. § 73.1545(c): “TV stations. The departure of the visual carrier frequency of a TV station may not exceed ± 1000 Hz from the assigned visual carrier frequency.” At the time of the inspection the visual carrier frequency was 6300 Hz below the assigned frequency.

e) 47 C.F.R. § 73.1820(a)(1)(iii): “Station Log. Entries must be made in the station log...An entry of each test and activation of the Emergency Alert System (EAS)...” During the period from August 24, 2002 to April 2, 2003, there were no logs available.

f) 47 C.F.R. § 73.1870(c)(3): “Chief operators...The chief operator is responsible for completion of the following duties specified in this paragraph below. When the duties are delegated to other persons, the chief operator shall maintain supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner...Review of the station records at least once each week to determine if required entries are being made correctly...Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive...” A review of the available logs indicated there were repetitive violations which continued through the time of the inspection with no apparent corrective action.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, EICB-TV, LLC, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

² 47 U.S.C. 308(b)

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Federal Communications Commission
Dallas Office
9330 LBJ Freeway, #1170
Dallas, Texas 75243

4. Failure to respond to this Notice constitutes a separate violation that could result in additional penalties, including monetary forfeiture.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure your compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

6. This Notice shall be sent to EICB-TV, LLC, 406 Copeland Drive, Cedar Hill, Texas 75104.

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director
Dallas Office

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³ P.L. 93-579, 5 U.S.C. § 552a(e)(3)

⁴ 18 U.S.C. § 1001 *et seq*